



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Craig R. Malloy, A. Dean Sherry and John G. Jones

Serial No.: 09/846,727

Filed: May 1, 2001

Art Unit: 1743

Examiner: Monique T. Cole

For: MEASUREMENT OF GLUCONEOGENESIS AND
INTERMEDIARY METABOLISM USING STABLE ISOTOPES

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to MAIL STOP AMENDMENT Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, dated August 5, 2005.

Stella E. Leicer

Signature

Stella E. Leicer

Typed or printed name of person signing certificate

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION SUMMARY

Dear Sir:

Applicants submit this Response to the Office Action Summary mailed May 27, 2005.
Applicants respectfully request entry of this Response and allowance of claims provided herein.

With this Response, please reconsider the above-identified Application in light of the following:

08/17/2005 ASINGLET 0000C002 070153 09846727
01 FC:1201 400.00 DA
Amendments to the Claims reflected in the Listing of Claims that begin on page two
(2) of this paper; and

Remarks begin on page six (6) of this paper.

Adjustment date: 10/14/2005 SDIRETA1
08/17/2005 ASINGLET 00000002 070153 09846727
01 FC:1201 400.00 CR

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GARDERE

attorneys and counselors • www.gardere.com

Fax

REFUND REQUEST

DATE October 11, 2005

TO	COMPANY	PHONE NO.	FAX NO.
USPTO - Deposit Account		571-272-6500	571-273-6500
FROM	Stella Laicer	slaiser@gardere.com	
DIRECT LINE	214-999-4154	DIRECT FAX 214-999-3154	
CLIENT/MATTER NO.	119929-1031		
TOTAL PAGES (including cover)	4		

RE: Ser. No. 09/846,727 – The item circled on page 3 of the attached statement was incorrectly charged.

The Amendment received by the PTO on August 8, 2005 in Ser. No. 09/846,727 added 1 new dependent claim and 2 new independent claims. Gardere's deposit account was then charged for 2 new independent claims (Fee Code 1201, large entity rate) at \$200.00 each for a total of \$400.00. The 3 new claims added in our recent amendment bring our current total pending claims to 31 dependent claims and 5 independent claims. However, as indicated on the official filing receipt mailed June 27, 2001, fees were received for 58 total claims and 6 independent claims at the small entity fee rate. Thus, our current pending total of 31 dependent claims and 5 independent claims is not larger than the highest amount of claims which we previously paid. Accordingly, no fee was due for extra claims and we respectfully request that the \$400.00 charge be refunded to our deposit account.

	Dep.	Ind.
Claim Count after Amendment Rec'd 8/8/05	31	5
Highest Amount Previously Paid	-58	-6
Fee Due	0	0

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DALLAS 1382947V1

PAGE 1/4 *RCVD AT 10/11/2005 4:32:11 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/26 * DMS:2736500 * CSD:+2149994967 * DURATION (mm:ss):01:38

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Deposit Account Statement

Requested Statement Month: August 2005
Deposit Account Number: 070153
Name: GARDERE & WYNNE
Attention: STEPHANIE BELL
Address: 1601 ELM STREET
City: DALLAS
State: TX
Zip: 75021-4761
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEES CODE	AMT	BAL
08/01	1	78245898	913263-006	6006	\$100.00	\$12,254.00
08/01	2	78245898	913263.006	7001	-\$4,020.00	\$18,274.00
08/01	2	10733555	62873.7	2201	\$100.00	\$16,174.00
08/01	3	10733555	62873.7	2202	\$175.00	\$15,999.00
08/01	3	76977688		6001	\$1,005.00	\$14,994.00
08/01	4	78245898	913263.006	6001	\$3,015.00	\$11,979.00
08/01	5	78245898	913263-006	7003	-\$300.00	\$12,279.00
08/01	6	76977688		6003	\$300.00	\$11,979.00
08/01	10	PCT/US03/27114	2002B128	1606	\$750.00	\$11,229.00
08/01	11	PCT/US03/27114	2002B128	1705	\$148.00	\$11,081.00
08/02	164	09848792	119068-1000	8021	\$40.00	\$11,041.00
08/03	1	PCT/US05/17348	125119-2011	1703	-\$208.00	\$11,249.00
08/03	2	PCT/US05/17348	125119-2011	1703	\$195.00	\$11,054.00
08/03	31	11074311	119068-1001	8021	\$40.00	\$11,014.00
08/03	115	78308008	913263-006	7003	\$300.00	\$10,714.00
08/03	135	11175627	128250-1000	8021	\$40.00	\$10,674.00
08/03	173	11175627	128250-1000	8021	\$40.00	\$10,634.00
08/04	145	11171798	125426-1098	8021	\$40.00	\$10,594.00
08/04	148	11171798	125426-1098	8021	\$40.00	\$10,554.00
08/08	27	2442581		8521	\$40.00	\$10,514.00
08/08	28	2442560		8522	\$25.00	\$10,489.00
08/08	29	2442562		8522	\$25.00	\$10,464.00
08/08	30	2442563		8522	\$25.00	\$10,439.00
08/08	31	2442554		8522	\$25.00	\$10,414.00
08/08	32	2442555		8522	\$25.00	\$10,389.00
08/08	33	2442556		8522	\$25.00	\$10,364.00
08/08	34	2442557		8522	\$25.00	\$10,339.00

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Oct-11-05 15:38 From-GARDERE WYNNE SEWELL
Deposit Account Statement

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08/08 35	2442558		8522	\$25.00	\$10,314.00
08/08 36	2442559		8522	\$25.00	\$10,289.00
08/08 94	2442561		8521	\$40.00	\$10,249.00
08/08 95	2442560		8522	\$25.00	\$10,224.00
08/08 96	2442562		8522	\$25.00	\$10,199.00
08/08 97	2442563		8522	\$25.00	\$10,174.00
08/08 98	2442554		8522	\$25.00	\$10,149.00
08/08 99	2442555		8522	\$25.00	\$10,124.00
08/08 100	2442558		8522	\$25.00	\$10,099.00
08/08 101	2442557		8522	\$25.00	\$10,074.00
08/08 102	2442558		8522	\$25.00	\$10,049.00
08/08 103	2442559		8522	\$25.00	\$10,024.00
08/09 8	10268444	128097-1000	2201	\$1,344.00	\$8,680.00
08/09 31	10744941	128366-1000	2253	\$610.00	\$8,170.00
08/09 168	10907459	124263-1018	8021	\$40.00	\$8,130.00
08/10 11	PCT/US05/23842	128250-2000	1602	-\$700.00	\$8,830.00
08/10 23	6028956	123971-000001	8021	\$400.00	\$8,430.00
08/10 27	PAYMENT		9203	-\$13,145.00	\$21,576.00
08/10 31	6028956	123971-000001	8021	\$400.00	\$21,176.00
08/10 79	11198673	130049.1047	2011	\$160.00	\$21,026.00
08/10 80	11198673	130049.1047	2111	\$250.00	\$20,776.00
08/10 81	11198673	130049.1047	2311	\$100.00	\$20,676.00
08/10 82	11198673	130049.1047	2202	\$2,125.00	\$18,551.00
08/10 83	11198673	130049.1047	2201	\$500.00	\$18,051.00
08/10 146	10165683	61582.2	1504	\$300.00	\$17,751.00
08/10 147	10165683	61582.2	2501	\$700.00	\$17,051.00
08/10 147	11171539	125426-1093	8021	\$40.00	\$17,011.00
08/10 148	10185683	61582.2	8001	\$30.00	\$16,981.00
08/10 161	60613829		8007	\$100.00	\$16,881.00
08/10 170	11096120	125945-1003	8021	\$40.00	\$16,841.00
08/10 204	2442561		8521	\$40.00	\$16,801.00
08/10 205	2442560		8522	\$25.00	\$16,776.00
08/10 206	2442562		8522	\$25.00	\$16,751.00
08/10 207	2442563		8522	\$25.00	\$16,726.00
08/10 208	2442554		8522	\$25.00	\$16,701.00
08/10 209	2442555		8522	\$25.00	\$16,676.00
08/10 210	2442556		8522	\$25.00	\$16,651.00
08/10 211	2442557		8522	\$25.00	\$16,626.00
08/10 212	2442558		8522	\$25.00	\$16,601.00
08/10 213	2442559		8522	\$25.00	\$16,576.00
08/11 4	2837858	124342-3013	7401	\$300.00	\$16,276.00
08/11 61	29233593	61636-4000	8021	\$120.00	\$16,158.00
08/11 106	2000226	123971-3016	8521	\$40.00	\$16,116.00
08/12 88	10357998	24347	2253	\$510.00	\$15,606.00
08/12 89	10357998	24347	1806	\$180.00	\$15,426.00
08/15 95	11198673	130049.1047	8021	\$40.00	\$15,386.00
08/16 88	76535709	65096.000009	6003	\$200.00	\$15,186.00
08/16 89	PCT/US05/28024	130049.2071	1601	\$300.00	\$14,886.00

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Deposit Account Statement

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08/16 90	PCT/US05/28024	130049.2071	1602	\$1,000.00	\$13,886.00
08/16 91	PCT/US05/28024	130049.2071	1702	\$1,211.00	\$12,675.00
08/16 92	PCT/US05/28024	130049.2071	1703	\$1,040.00	\$11,635.00
08/16 93	PCT/US05/28024	130049.2071	8007	\$20.00	\$11,615.00
08/17 2	09B46727	119929-1031	1201	\$400.00	\$11,215.00
08/17 20	76644741	130395-3000	6001	\$100.00	\$11,115.00
08/18 14	11126824	127723-1006	8021	\$40.00	\$11,075.00
08/19 38	10369063	85353.255	1806	\$180.00	\$10,895.00
08/19 110	76645002	129097-3035	6001	\$40.00	\$10,855.00
08/19 599	78695772	125504-3011	7007	\$275.00	\$10,680.00
08/22 7	78659044	112558-3133	6403	\$200.00	\$10,380.00
08/22 50	76659044	112558-3133	6403	\$100.00	\$10,280.00
08/22 1811	78448698	124342-3016	7001	\$325.00	\$9,955.00
08/24 5	10863090	85353.294	1806	\$180.00	\$9,775.00
08/24 1494	78231329	124287-3004	7004	\$300.00	\$9,475.00
08/24 1497	78231318	124287-3005	7004	\$450.00	\$9,025.00
08/24 1508	78232622	124287-3006	7004	\$300.00	\$8,725.00
08/25 5	10388257		2202	\$125.00	\$8,600.00
08/25 8	10388257		2201	\$200.00	\$8,400.00
08/25 97	76503673	127070-3003	6403	\$100.00	\$8,300.00
08/29 7	76629467	128613-3078	6001	\$375.00	\$7,925.00
08/29 29	76566759	127257-8001	6403	\$200.00	\$7,726.00
08/29 38	11198673	130049.1047	2081	\$125.00	\$7,600.00
08/30 110	2327326	63299-13	8521	\$40.00	\$7,560.00
08/30 111	2327326	63299-13	8522	\$175.00	\$7,385.00
08/31 219	PCT/US05/30003	112558-2002	1601	\$300.00	\$7,085.00
08/31 220	PCT/US05/30003	112558-2002	1603	\$300.00	\$6,785.00
08/31 221	PCT/US05/30003	112558-2002	1702	\$1,211.00	\$5,574.00
08/31 222	PCT/US05/30003	112558-2002	8007	\$20.00	\$5,554.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$12,364.00	\$25,174.00	\$18,374.00	\$5,554.00

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